

DOCKETED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

THE MAGNAVOX COMPANY, ET AL., 9 ) PM 3 11

Plaintiffs, )

v. )

BALLY MANUFACTURING CORPORATION, )  
ET AL., )

Defendants. )

CONSOLIDATED  
CIVIL ACTION NOS.

74 C 1030

74 C 2510

NOTICE OF DEPOSITION

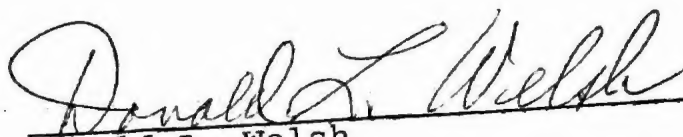
To: Theodore W. Anderson, Esq.  
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PLEASE TAKE NOTICE that, at 10:00 a.m., on the 28th day of October, 1975, at Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts, defendants Bally Manufacturing Corporation, Midway Mfg. Co. and Empire Distributing, Inc. will take the deposition of Massachusetts Institute of Technology pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and the deposition of John A. McKenzie, whose address is c/o Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Massachusetts. The depositions will be upon oral examination before a Notary Public, or other officer authorized by law to administer oaths and will continue from day to day until completed.

A subpoena duces tecum is to be served on each of the parties to be deposed. The designation of the materials to be produced as stated in each subpoena is set forth in Attachment A hereto. The matters on which examination of Massachusetts Institute of Technology is requested in the subpoena to be served on it are set forth in Attachment B hereto.



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Attorneys for Defendants Bally Manufacturing Corporation, Midway Mfg. Co. and Empire Distributing, Inc.

ATTACHMENT A

1. All documents and things including but not limited to laboratory log books showing use of a Digital Equipment Corporation computer, Model PDP-1, at the Research Laboratory of Electronics at Massachusetts Institute of Technology from January 1, 1961 through June, 1963, circuit diagrams, computer programs, computer program listings, magnetic tapes, punched paper tapes, other storage media, flow charts, block diagrams, photographs, drawings, manuals, instructions, correspondence, communications and records of communications, brochures, information sheets, logic diagrams, wiring diagrams, articles in periodicals, memoranda, notes or other material concerning, relating to or describing the use, construction, manner of playing or manner of operation of a game known as "Space War" or of any other game using a computer and a cathode ray tube display and known, existing or played at Massachusetts Institute of Technology prior to June, 1972.

2. All issues of "Tech Talk" and "The Tech" including but not limited to the issues of "Tech Talk" of April 25, 1963, July 3, 1963, December 31, 1963 and March 10, 1965 and issues of "The Tech" of April 3, 1963, April 24, 1963, May 1, 1963 and April 22, 1964 and referring to a game known as "Space War" or to any other game using a computer and a cathode ray tube display and known existing or played at Massachusetts Institute of Technology prior to June, 1972.

ATTACHMENT B

a. The use, construction, manner of playing or manner of operation of a game known as "Space War" or of any other game using a computer and a cathode ray tube display and known, existing or played at Research Laboratory of Electronics or at any other place at Massachusetts Institute of Technology prior to June, 1972.

b. Records such as log books showing the use of a Digital Equipment Corporation computer, Model PDP-1, at Research Laboratory of Electronics at Massachusetts Institute of Technology during the period from January 1, 1961 through June, 1963, the manner of keeping such records, and the storage and custody of such records, from 1961 until the present time.

c. Publication of "Tech Talk" and "The Tech" during the years 1963 and 1964, retention of issues of "Tech Talk" and "The Tech" published during 1963 and 1964 and custody of retained 1963 and 1964 issues of "Tech Talk" and "The Tech" from 1963 until the present time.

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing  
NOTICE OF DEPOSITION were served on:

Theodore W. Anderson, Esq.  
Neuman, Williams, Anderson & Olson  
77 West Washington Street  
Chicago, Illinois 60602

Attorney for Plaintiffs

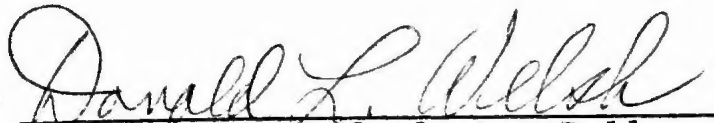
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Attorney for Seeburg, Williams  
Electronics & World Wide  
Distributors

by messenger this 9<sup>th</sup> day of October, 1975.

  
\_\_\_\_\_  
Attorney for Defendants, Bally,  
Empire and Midway